



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AB:RJN

*271 Cadman Plaza East
Brooklyn, New York 11201*

December 9, 2009

By Fax and ECF

The Honorable Joan M. Azrak
United States Magistrate Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Nicholas Bernardo _____
Criminal Docket No. 09-M-1202

Dear Judge Azrak:

By this letter, the government respectfully requests a stay of the Court's December 8, 2009 order releasing the defendant Nicholas Bernardo - over the objection of the government - on a \$500,000 bond, secured by property having a purported equity value \$120,000 with the special condition of home confinement and electronic monitoring. (United States v. Bernardo, 09 M 1202). The government has submitted an appeal of this decision to the Honorable Eric N. Vitaliano. Accordingly, the government requests a stay of the defendant's release until a decision is made with respect to the government's appeal.

Respectfully submitted,

BENTON J. CAMPBELL
United States Attorney

By: _____/s/
Rachel J. Nash
(718) 254-6072

cc: Clerk of Court (by ECF)
The Honorable Eric N. Vitaliano (by fax and ECF)
The Honorable Cheryl L. Pollack (by fax and ECF)
Mark DeMarco, Esq. (by fax and ECF)